IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 4980 of 2007(P)

OS.43/2004 of SUB COURT, VADAKARA

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PETITIONER:

A.SANTHA, W/O.JAYACHANDRAN,
58 YEARS, AROTH HOUSE, POST KEEZHAL, VADAKARA,
VADAKARA TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.B.KRISHNAN
SRI.R.PARTHASARATHY

RESPONDENTS:

C.PADMAVATHI AMMA, W/O.LATE
NARAYANA KURUP, 72 YEARS, RESIDING AT
"SAGAR JYOTHI", KARUVAMPURATH POST, MANJERI,
MALAPPURAM DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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W.P.(C)NO.4980 OF 2007

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Dated this the 14th day of February 2007

JUDGMENT

The petitioner is the plaintiff in O.S.43/04 on the file of Sub Court, Vadakara. He filed Ext.P1 suit against the respondent claiming damages for denial of employment which she was entitled to on the basis of her entitlement to appointment under Rule 51A of Chapter XIV-A of the Kerala Education Rules. The grievance of the petitioner is that the respondent delayed appointment which she was entitled to, for the reason that the revision petition is pending before the statutory authority in relation to which is Ext.P3 notice is received. According to her, the statutory authority was bound to dispose of the Revision within a period of three months from the date of receipt of copy of Ext.P4 judgment of this court dated 11.7.2006. She therefore filed Exts.P5 and P6 affidavit and petition before the trial court to adjourn the suit which is posted for trial in the special list to 15.2.2007. According to the petitioner, the pronouncement by the statutory authority in the revision pursuant to Ext.P3 notice is decisive of the merits of the claim of the petitioner and it was

therefore that vide Exts.P5 and P6 adjournment of the trial of the case was prayed for, for a period of four weeks from 1.2.2007. It is submitted that though larger relief is prayed for in this writ petition, adjournment of the trial of the case by four weeks from 1.2.2007 as prayed for in Exts.P5 and P6 will be sufficient. In the result, the trial of O.S.43 of 2004 pending on the file of the Sub Court, Vadakara will stand adjourned for a period of four weeks from 1.2.2007 as prayed for in Exts.P5 and P6.

This writ petition is disposed of accordingly.

K.P.BALACHANDRAN, JUDGE

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